

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO: 22-118
v.	:	DATE FILED:
MAHMOUD ALI AHMED RASHWAN	:	VIOLATIONS: 18 U.S.C. § 924(a)(1)(A) (making false statements to a federal firearms licensee – 1 count) : 18 U.S.C. § 922(g)(5)(A) (possession of a firearm by an alien illegally or unlawfully in the United States - 2 counts) : Notice of forfeiture

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about February 14, 2022, at the Heritage Guild of Easton Range, LLC, in Easton, in the Eastern District of Pennsylvania, defendant

MAHMOUD ALI AHMED RASHWAN,

knowing he was an alien illegally and unlawfully in the United States, knowingly possessed in and affecting interstate and foreign commerce, firearms, that is, a Glock, Model G17, 9 mm handgun, bearing serial number BRDK312; a Beretta, Model M9, 9 mm handgun, bearing serial number M9-206633; a Ruger, Model SP101, .22 caliber handgun, bearing serial number 577-32245; and a Ruger, Model AR556 semi-automatic rifle, serial number 851-28134.

In violation of Title 18, United States Code, Section 922(g)(5)(A).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

At all times material to this indictment:

1. Petronio Family Firearms, located in Butler, Pennsylvania, possessed a valid Federal Firearms License (“FFL”) and was authorized to deal in firearms under federal laws.
2. FFL holders are licensed, among other things, to sell firearms and ammunition. Various rules and regulations, promulgated under the authority of Chapter 44, Title 18, United States Code, govern the manner in which FFL holders are permitted to sell firearms and ammunition.
3. The rules and regulations governing FFL holders require that a person seeking to purchase a firearm fill out a Firearm Transaction Record, ATF Form 4473 (“Form 4473”). Part of the Form 4473 requires that the prospective purchaser certify that all his or her answers on Form 4473 are true and correct. The Form 4473 contains language warning that “making any false oral or written statement, or the exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony.”
4. Question 2 of the Form 4473 requires that the prospective purchaser certify truthfully, subject to penalties of perjury, his or her correct current state of residence and address.
5. Question 19 of the Form 4473 requires that the prospective purchaser certify truthfully, subject to penalties of perjury, his or her Country of Citizenship.

6. Question 20 of the Form 4473 requires that the prospective purchaser certify truthfully, subject to penalties of perjury, his or her United States issued alien or admission number if he or she is an alien.

7. Question 21.k. on the Form 4473 requires that the prospective purchaser certify truthfully, subject to the penalties of perjury, if he or she is an alien illegally or unlawfully in the United States. The Form 4473 contains language warning that: “I understand that a person who answers ‘yes’ to any of the questions 21.b. through 21.k. is prohibited from receiving or possessing a firearm.”

8. Question 21.1.1. on the Form 4473 requires that the prospective purchaser certify truthfully, subject to the penalties of perjury, if he or she is an alien who has been admitted to the United States under a nonimmigrant visa. The Form 4473 contains language warning that: “I understand that a person who answers ‘yes’ to question 21.1.1. is prohibited from receiving or possessing a firearm, unless the person answers ‘yes’ to question 21.1.2. and provides documentation required in 26.d.”

9. Question 21.1.2. on the Form 4473 requires that the prospective purchaser certify truthfully, subject to the penalties of perjury, if he or she is an alien who has been admitted to the United States under a nonimmigrant visa, to indicate whether he or she falls within any of the exceptions stated in the instructions. United States citizens/nationals are instructed to leave 21.1.2. blank.

10. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, including the

buyer's home address, nonimmigrant visa status, and date of birth, to ensure that the person was not prohibited from purchasing a firearm.

11. On or about February 26, 2022, in Allentown, in the Eastern District of Pennsylvania, defendant

MAHMOUD ALI AHMED RASHWAN,

in connection with the acquisition of a Ruger, Model AR-556, 5.56mm rifle, bearing serial number 85996627, from Petronio Family Firearms, the FFL holder, knowingly made a false statement and representation with respect to information required by the provisions of Chapter 44, Title 18, United States Code, to be kept in the FFL holder's records, in that defendant MAHMOUD ALI AHMED RASHWAN certified on the Form 4473 that his residence was located at 2457 30th Street, Allentown, Pennsylvania, that he was a citizen of the United States, that he was not an alien illegally or unlawfully in the United States, and that he was not an alien who has been admitted to the United States under a nonimmigrant visa, when in fact, as the defendant knew, these statements were false and fictitious because defendant RASHWAN did not live at 2457 30th Street, Allentown, Pennsylvania, was not a citizen of the United States, was an alien illegally or unlawfully in the United States, and was an alien who had been admitted to the United States under a nonimmigrant visa.

In violation of Title 18, United States Code, Section 924(a)(1)(A).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 12, 2022, in New Tripoli, in the Eastern District of Pennsylvania, defendant

MAHMOUD ALI AHMED RASHWAN,

knowing he was an alien illegally and unlawfully in the United States, knowingly possessed in and affecting interstate and foreign commerce, a firearm, that is, a Stag Arms, Model Stag-15, 5.56mm rifle, bearing serial number 212915, loaded with seventeen live rounds of 5.56mm ammunition.

In violation of Title 18, United States Code, Section 922(g)(5)(A).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 924 (a)(1)(A), and 922(g)(5)(A) set forth in this superseding indictment, defendant

MAHMOUD ALI AHMED RASHWAN

shall forfeit to the United States of America the firearm and ammunition involved in the commission of these offenses, including, but not limited to:

1. a Stag Arms, Model Stag-15, 5.56mm rifle, bearing serial number 212915;
2. one, thirty round capacity magazine, loaded with seventeen live rounds of 5.56 ammunition;
3. three, thirty round capacity magazines, each loaded with twenty live rounds of 5.56 ammunition;
4. two, twenty round capacity magazines, each loaded with ten live rounds of ammunition; and
5. five, empty, thirty round capacity magazines.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

A TRUE BILL:


GRAND JURY FOREPERSON


JACQUELINE C. ROMERO
United States Attorney

No.22- 118

UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania

Criminal Division

THE UNITED STATES OF AMERICA

vs.

MAHMOUD ALI AHMED RASHWAN

SUPERSEDING INDICTMENT

18 U.S.C. § 924(a)(1)(A) (making false statements to a federal firearms licensee – 1 count)
18 U.S.C. § 922(g)(5)(A) (possession of a firearm by an alien illegally or unlawfully
in the United States- 2 counts)

Notice of forfeiture

Filed in open court this 26th day,
Of July A.D. 20 22

Clerk

Bail, \$ _____
